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April 19, 2021

By ECF

The Honorable Nina Gershon
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

The Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Suffolk County Water Authority v. The Dow Chemical Company, et al.*
No. 2:17-cv-6980-NG-RLM, and Related Cases**

Dear Judge Gershon and Judge Mann:

As directed by the Court in the March 19, 2021 Scheduling Order [Dkt. 171], Plaintiffs in the above-referenced actions, based upon information known and reasonably available to them, certify that their interrogatory responses are complete and accurate, and not lacking in any respect.

For the avoidance of doubt, Plaintiffs specifically have considered Defendants' assertion in a submission to the Court last month (to which the briefing schedule did not allow for a written response to the Court at the time) that 11 of the 27 Plaintiffs have not provided a substantive response to Defendants' first common interrogatory. Plaintiffs have reviewed their responses, and Defendants' statement to the Court was and remains inaccurate. Plaintiffs served their interrogatory responses when they were due on July 1, 2020, and all Plaintiffs responded substantively and in compliance with Federal Rule of Civil Procedure 33—and where applicable to certain Plaintiffs, provided Bates numbers of specific documents responsive to the interrogatory posed by Defendants.

Further, Plaintiffs have since provided additional explanation addressing Defendants' concerns, including identification of additional responsive documents by Bates number as part of the parties' ongoing conferral.¹ Also as part of this conferral, Plaintiffs again explained to

¹ Plaintiff New York American Water Co. also supplemented its interrogatory response on April 16, 2021.

Defendants the nature of certain objections preserved in the interrogatory responses—that certain information Defendants seek is the subject of expert discovery and/or is subject to attorney-client and attorney work product privileges. The parties are continuing to confer on various discovery topics and may raise issues with the Court as appropriate, following good-faith conferral.

Respectfully submitted,

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² Sher Edling LLP represents all Plaintiffs in these related cases, excepting New York American Water Co. and Hicksville Water District.